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In re Application of :
Brian Milgate, et al :
Serial No.: 09/830,438 : Decision on Petition
Filed: April 25, 2001 :
Attorney Docket No.: 45108/DBP/R178 :

This is in response to applicant's "Request for Reversal of Notice of Abandonment" filed August 25, 2003. The Request is being treated as petition under 1.181 requesting withdrawal of holding of abandonment.

On December 17, 2002, an Office action was mailed. On August 11, 2003, a Notice of Abandonment was mailed for failure to timely file a response. On August 25, 2003 the present petition was filed. Applicants assert that the Office action mailed December 17, 2002 was never received.

Applicants' statement and evidence show that the office action mailed December 17, 2002 was never received. Accordingly, the petition is Granted.

The application has been returned to pending status. The Office action dated December 17, 2002 is being re-mailed herewith.

Petition Granted.


Bruce Kisliuk
Director, Technology Center 1600